IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Toshihiko Munetsugu et al.
Appln. No.	:	09/467,231
Filed	:	December 20, 1999
Title	:	DATA PROCESSING DEVICE AND METHOD FOR SELECTING MEDIA SEGMENTS ON THE BASIS OF A SCORE

Conf. No.	:	2093
TC/A.U.	:	2176
Examiner	:	Maikhanh Nguyen

Customer No.	:	00116
Docket No.	:	NGB-32161

Commissioner for Patents
Alexandria, VA 22313-1450

SUPPLEMENT to APPELLANT'S BRIEF

Sir:

This paper is provided to supplement the brief provided in an ex parte appeal from the decision of the Examiner in the Final Rejection dated May 15, 2007 in the above-identified application, rejecting all claims in the application. This supplemental paper is provided in response to the Notice of Non-Compliant Appeal Brief mailed on January 9, 2008, and is meant to supplement the brief filed on December 17, 2007.

Remarks are provided on page 2; and

A supplemental **Summary of the Claimed Subject Matter** is attached hereto to supplement the brief already filed in this case.

REMARKS

Patent Appeals Specialist Tracy Young sent a Notice of Non-Compliant Appeal Brief on December 9, 2007, which argues that the Summary of the Claimed Subject Matter is not compliant because said summary "must identify and map all independent claims on appeal...to specification [sic] by page and line number of paragraph number and to the drawings, if any." A supplemental summary is provided with this response that identifies the independent claims that contain the subject matter that are described by the summary section. However, no *mapping* of the features of all of the claims to the specification is provided, as the rules do not require any such mapping.

The requirements for the summary section of an appeal brief are laid out in 37 CFR 41.37(c)(1)(v) as follows:

> *Summary of claimed subject matter.* <u>A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters.</u> For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, **every means plus function** and **step plus function** as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

(underlining and bold emphasis added). The rule only requires that a "concise explanation" of the "subject matter defined in each of the independent claims" be provided, and it is clear from reading this rule that the requirement that reference be made to the "specification by page and line number, and to the drawing if any" refers to the "concise explanation". Accordingly, any reasonable reading of this rule requires only that (1) the subject matter of the independent claims are provided as part of the concise explanation and (2) this concise explanation should refer to the specification and drawings, where applicable. Both the originally provided summary section, and the supplemental summary section provided herewith, comply with this portion of the rule (there are references to both the specification and the drawings, where applicable). However, nowhere in the applicable rule is there any requirement of "mapping" the claims to the specification and/or drawings, and thus none is necessary.

Note that only the underlined portion 41.37(c)(1)(v) applies to most of the independent claims in this case, as the non-underlined portion applies only to "means plus function" and "step plus function" claims. The non-underlined portion arguably applies only to claim 101 (discussed below). Apparently, the specialist is reading the requirements for this section into all of the claims of the instant application, but this section clearly does not apply to all of the claims as most of the elements of the claims are not in "means plus function" or "step plus function" format.

Regarding claim 101, which refers to "input means" for "inputting hierarchically arranged context description data that describes a plurality of scenes of the media contents of one or more media files" and "selection means" for "selecting one or more of said segment elements based on an analysis of one or more of said context attributes and the associated importance attributes", the summary section already discusses such selection means when referring to "Figure 20" stating that it shows an "input means (e.g., interface means 2401)" and a "selection means operable to input context description data for performing the selection step of Figure 17 (see pages 48-49 and pages 52-53)". Accordingly, these specific features are mapped to the specification and claims.

Accordingly, the summary section meets the literal requirements for the rule, and thus should be acceptable to the Examiner in charge of this case. No mapping of all of the features of all of the claims to the specification or drawings is provided, as no such mapping is required or necessary. If the Examiner disagrees, she is requested to contact applicant's representative using the contact information provided below.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32161.

Respectfully submitted,
PEARNE & GORDON, LLP

January 11, 2008

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SUMMARY OF THE CLAIMED SUBJECT MATTER

The invention provided by the subject matter found in independent claims 83, 92, and 101 relates to a data processing apparatus for processing media content comprised of a plurality of scenes, as described in the clean copy of the replacement specification. In essence, the invention provides a new way of describing media content, through the use of context description data that provides a contextual description of the media content (such as a video, for example). This description can then be used to select various scenes of the media content based on a user input, the scenes chosen based on importance related to a contextual topic as chosen by the user (see, e.g., the Summary of the Invention section of the specification).

Figure 1 (of the replacement drawings) shows a simplified view of a method performed by the apparatus, according to the invention. A simple description of this process is that, via a selection step 101, selected segments are determined according to context description data that is input into the apparatus (see the second paragraph of page 29, lines 7-15 of the clean version of the replacement specification for a description of the method shown in Figure 1). The selected segments are then used by the apparatus, as shown in Figure 5, to select desired scenes of the media content, (e.g., video) that is input into the apparatus (into a demultiplex means 601). The media content is split into audio data (input into an audio skimming means 603) and video data (input to a video skimming means 602). The selection segments are then utilized by the apparatus (e.g., the skimming means 602, 603) to output desired audio and video data based on the degree of importance of the scenes (see the last paragraph of page 33 of the specification, to the end of the paragraph, page 33 lines 17-26 and page 34, lines 1-8).

The specification makes clear that context description data is different than the media content. On page 17 of the specification, second paragraph (lines 8-18), media content and context description data are differentiated. Media content is described as corresponding to *video data and/or audio data,* whereas context description data is described as the *configuration* of respective video data sets and/or audio data sets, and that video/audio selection means selects a scene by reference to the context description data, and that an extraction means then extracts the selected video or audio scene. On pages 29-31, context description data is described in more detail, as discussed below.

An example of the context description data is shown in Figure 2 in a hierarchical format, and is described on page 29, last paragraph, to page 31 (page 29, line 24 to page 31, line 7). Figures 19, 29, 36, 65, and 68 also show additional embodiments of this data, all of which are described in the specification. In this discussion, it is made clear that the context description data is data for *describing* the media content, such as the *context* of various scenes of the media content, but it is clear that this data is *not* the media content itself. For example, see the last paragraph of page 30 (lines 22-25), where it is stated that the context description data can be used to *describe* a movie story hierarchically, according to the movie, chapters, sections, and paragraphs. Similarly, a video of a baseball game could be *described* by using context description data by breaking down the game into innings, half-innings, at-bats, and individual pitches, for example, to describe the game (see end of page 30, line 25 to top of page 31, line 7). Thus, it is clear from the specification that context description data is differentiated from the media content that it describes.

On page 31, the example context description data of Figure 2 is described as potentially being expressed in XML language, an example which is provided on Program03.xml of the sam-

ple programs filed on a CD ROM in this case, and described on page 31. Such an XML file can be executed in a browser application on a computer. This example of context description data further clarifies that this data is not media content, but data that is provided to describe some media content. Program03.xml is further described as being an example of context description data that has a score related to a particular context of each scene (see first paragraph on page 32, line 3 continuing on page 33 to line 4). The XML ASCII file for Program03.xml is provided in the Evidentiary Appendix, attached to this brief. This file can be loaded into a standard browser, such as Microsoft's Internet Explorer, where it can be executed. This data provides the start and end times of the associated scenes, and is utilized in the process described by the flow chart of Figure 4 (id.).

Figure 20 shows an input means (e.g., interface means 2401) and a selection means (item 1801) operable to input context description data for performing the selection step of Figure 17 (see pages 48-49 and pages 52-53), which provides support for the "input means" and "selection means" of claim 101. The context description data can include a plurality of segment elements, such as shown in Figure 19, each for describing one of said plurality of scenes of media content (see pages 50-51). The context description data also includes a plurality of importance attributes each associated with a corresponding one of the plurality of segment elements. This is shown by example in the priority elements of Figure 19, which are assigned a "score" relating to the degree of importance of the scene, with these importance attributes having a value (e.g., the "score") representing a degree of contextual importance of the corresponding scenes (see pages 31-33, as referenced above; see also first full paragraph on page 48, lines 14-19). Data of the segments related to the scenes (e.g., scene start and stop times) are then output based on the one or more importance attributes (see pages 48-49). In this manner, context description data can be used to

determine and select scenes having a high degree of contextual importance related to a user request (e.g., see Fig. 43 and pages 86-88 of the specification for more detail about user requests).

The Evidentiary appendix also includes an example of the context description data for the above described process (in Program07.xml), along with a resulting sample output (Program07.out) showing the start/stop times for the corresponding scenes.

In this manner, the invention as defined in the claims provides a new and useful method and apparatus for selecting, playing back, delivering a synopsis, highlighting a scene, and/or selecting a scene desired by the audience at the time of playback of the media content (see first paragraph of the Summary section of the specification).